

AMENDED IN ASSEMBLY JULY 15, 2004  
AMENDED IN ASSEMBLY JUNE 16, 2004  
AMENDED IN SENATE APRIL 28, 2004

**SENATE BILL**

**No. 1152**

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**Introduced by Senator Scott**

January 27, 2004

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An act to amend Sections 12071 and 12316 of, and to add Section 12326 to, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

SB 1152, as amended, Scott. Ammunition.

Under existing law, it is a misdemeanor to sell ammunition to a person knowing that the person is under 18 years of age, but reliance upon evidence of identity is a defense.

This bill would instead provide that it is a misdemeanor to sell ammunition to a person under 18 years of age, but would provide that reasonable reliance upon evidence of identity would be a defense.

By expanding the definition of a crime, the bill would impose a state-mandated local program.

Existing law generally regulates the sale of ammunition.

The bill would also require any person engaged in the retail sale of ammunition to record the date, the name, address, and date of birth of the transferee, a thumbprint, and other specified information concerning the transaction, and to make the information available to peace officers. A violation of these provisions would be a misdemeanor.

By creating a new crime, the bill would impose a state-mandated local program.

*This bill would conform existing cross-references to the Federal Code of Regulations in certain provisions relating to the regulation of firearms to reflect the recent renumbering of certain sections of those federal regulations.*

*This bill would also incorporate additional changes in Section 12071 of the Penal Code proposed by SB 1140, to become operative only if SB 1140 and this bill are both enacted and become effective on or before January 1, 2005, and this bill is enacted last.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12071 of the Penal Code is amended to  
2 read:  
3 12071. (a) (1) As used in this chapter, the term “licensee,”  
4 “person licensed pursuant to Section 12071,” or “dealer” means  
5 a person who has all of the following:  
6 (A) A valid federal firearms license.  
7 (B) Any regulatory or business license, or licenses, required by  
8 local government.  
9 (C) A valid seller’s permit issued by the State Board of  
10 Equalization.  
11 (D) A certificate of eligibility issued by the Department of  
12 Justice pursuant to paragraph (4).  
13 (E) A license issued in the format prescribed by paragraph (6).  
14 (F) Is among those recorded in the centralized list specified in  
15 subdivision (e).  
16 (2) The duly constituted licensing authority of a city, county, or  
17 a city and county shall accept applications for, and may grant  
18 licenses permitting, licensees to sell firearms at retail within the  
19 city, county, or city and county. The duly constituted licensing  
20 authority shall inform applicants who are denied licenses of the  
21 reasons for the denial in writing.

(3) No license shall be granted to any applicant who fails to provide a copy of his or her valid federal firearms license, valid seller's permit issued by the State Board of Equalization, and the certificate of eligibility described in paragraph (4).

(4) A person may request a certificate of eligibility from the Department of Justice and the Department of Justice shall issue a certificate to an applicant if the department's records indicate that the applicant is not a person who is prohibited from possessing firearms.

(5) The department shall adopt regulations to administer the certificate of eligibility program and shall recover the full costs of administering the program by imposing fees assessed to applicants who apply for those certificates.

(6) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(A) In the form prescribed by the Attorney General.

(B) A regulatory or business license that states on its face "Valid for Retail Sales of Firearms" and is endorsed by the signature of the issuing authority.

(C) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant's intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(7) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(b) A license is subject to forfeiture for a breach of any of the following prohibitions and requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the business shall be conducted only in the buildings designated in the license.

(B) A person licensed pursuant to subdivision (a) may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as defined in Section ~~478.100~~ 478.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subparagraph shall be entitled

1 to conduct business as authorized herein at any gun show or event  
2 in the state without regard to the jurisdiction within this state that  
3 issued the license pursuant to subdivision (a), provided the person  
4 complies with (i) all applicable laws, including, but not limited to,  
5 the waiting period specified in subparagraph (A) of paragraph (3),  
6 and (ii) all applicable local laws, regulations, and fees, if any.

7 A person conducting business pursuant to this subparagraph  
8 shall publicly display his or her license issued pursuant to  
9 subdivision (a), or a facsimile thereof, at any gun show or event,  
10 as specified in this subparagraph.

11 (C) A person licensed pursuant to subdivision (a) may engage  
12 in the sale and transfer of firearms other than ~~pistols, revolvers, or~~  
13 ~~other firearms capable of being concealed upon the person~~  
14 *handguns*, at events specified in subdivision (g) of Section 12078,  
15 subject to the prohibitions and restrictions contained in that  
16 subdivision.

17 A person licensed pursuant to subdivision (a) also may accept  
18 delivery of firearms other than ~~pistols, revolvers, or other firearms~~  
19 ~~capable of being concealed upon the person~~ *handguns*, outside the  
20 building designated in the license, provided the firearm is being  
21 donated for the purpose of sale or transfer at an auction or similar  
22 event specified in subdivision (g) of Section 12078.

23 (D) The firearm may be delivered to the purchaser, transferee,  
24 or person being loaned the firearm at one of the following places:

- 25 (i) The building designated in the license.  
26 (ii) The places specified in subparagraph (B) or (C).  
27 (iii) The place of residence of, the fixed place of business of,  
28 or on private property owned or lawfully possessed by, the  
29 purchaser, transferee, or person being loaned the firearm.

30 (2) The license or a copy thereof, certified by the issuing  
31 authority, shall be displayed on the premises where it can easily be  
32 seen.

33 (3) No firearm shall be delivered:

34 (A) Within 10 days of the application to purchase, or, after  
35 notice by the department pursuant to subdivision (d) of Section  
36 12076, within 10 days of the submission to the department of any  
37 correction to the application, or within 10 days of the submission  
38 to the department of any fee required pursuant to subdivision (e)  
39 of Section 12076, whichever is later.

1 (B) Unless unloaded and securely wrapped or unloaded and in  
2 a locked container.

3 (C) Unless the purchaser, transferee, or person being loaned the  
4 firearm presents clear evidence of his or her identity and age to the  
5 dealer.

6 (D) Whenever the dealer is notified by the Department of  
7 Justice that the person is in a prohibited class described in Section  
8 12021 or 12021.1 of this code or Section 8100 or 8103 of the  
9 Welfare and Institutions Code. The dealer shall make available to  
10 the person in the prohibited class a prohibited notice and transfer  
11 form, provided by the department, stating that the person is  
12 prohibited from owning or possessing a firearm, and that the  
13 person may obtain from the department the reason for the  
14 prohibition.

15 ~~(4) No pistol, revolver, or other firearm or imitation thereof~~  
16 ~~capable of being concealed upon the person~~ *handgun or imitation*  
17 *handgun*, or placard advertising the sale or other transfer thereof,  
18 shall be displayed in any part of the premises where it can readily  
19 be seen from the outside.

20 (5) The licensee shall agree to and shall act properly and  
21 promptly in processing firearms transactions pursuant to Section  
22 12082.

23 (6) The licensee shall comply with Sections 12073, 12076, and  
24 12077, subdivisions (a) and (b) and paragraph (1) of subdivision  
25 (f) of Section 12072, subdivision (a) of Section 12316, and Section  
26 12326.

27 (7) The licensee shall post conspicuously within the licensed  
28 premises the following warnings in block letters not less than one  
29 inch in height:

30 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY  
31 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
32 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND  
33 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES  
34 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A  
35 MISDEMEANOR OR A FELONY UNLESS YOU STORED  
36 THE FIREARM IN A LOCKED CONTAINER OR LOCKED  
37 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT  
38 FROM TEMPORARILY FUNCTIONING."

39 (B) ~~"IF YOU KEEP A PISTOL, REVOLVER, OR OTHER~~  
40 ~~FIREARM CAPABLE OF BEING CONCEALED UPON THE~~

1 ~~PERSON,~~ *HANDGUN* WITHIN ANY PREMISES UNDER  
2 YOUR CUSTODY OR CONTROL, AND A PERSON UNDER  
3 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM,  
4 AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY  
5 OF A MISDEMEANOR, UNLESS YOU STORED THE  
6 FIREARM IN A LOCKED CONTAINER, OR LOCKED THE  
7 FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM  
8 TEMPORARILY FUNCTIONING.”

9 (C) “IF YOU KEEP ANY FIREARM WITHIN ANY  
10 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
11 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO  
12 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A  
13 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE  
14 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
15 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU  
16 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
17 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

18 (D) “DISCHARGING FIREARMS IN POORLY  
19 VENTILATED AREAS, CLEANING FIREARMS, OR  
20 HANDLING AMMUNITION MAY RESULT IN EXPOSURE  
21 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH  
22 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS  
23 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT  
24 ALL TIMES. WASH HANDS THOROUGHLY AFTER  
25 EXPOSURE.”

26 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
27 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM  
28 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30  
29 DAYS AFTER YOU COMPLETE THE INITIAL  
30 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
31 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
32 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
33 POSSESSION OF THAT FIREARM.”

34 (F) “NO PERSON SHALL MAKE AN APPLICATION TO  
35 PURCHASE MORE THAN ONE ~~PISTOL, REVOLVER, OR~~  
36 ~~OTHER FIREARM CAPABLE OF BEING CONCEALED~~  
37 ~~UPON THE PERSON~~ *HANDGUN* WITHIN ANY 30-DAY  
38 PERIOD AND NO DELIVERY SHALL BE MADE TO ANY  
39 PERSON WHO HAS MADE AN APPLICATION TO  
40 PURCHASE MORE THAN ONE ~~PISTOL, REVOLVER, OR~~

~~OTHER FIREARM CAPABLE OF BEING CONCEALED  
UPON THE PERSON HANDGUN~~ WITHIN ANY 30-DAY  
PERIOD.”

(8) (A) Commencing April 1, 1994, and until January 1, 2003,  
~~no pistol, revolver, or other firearm capable of being concealed~~  
~~upon the person~~ handgun shall be delivered unless the purchaser,  
transferee, or person being loaned the firearm presents to the  
dealer a basic firearms safety certificate.

(B) Commencing January 1, 2003, no dealer may deliver a  
handgun unless the person receiving the handgun presents to the  
dealer a valid handgun safety certificate. The firearms dealer shall  
retain a photocopy of the handgun safety certificate as proof of  
compliance with this requirement.

(C) Commencing January 1, 2003, no handgun may be  
delivered unless the purchaser, transferee, or person being loaned  
the firearm presents documentation indicating that he or she is a  
California resident. Satisfactory documentation shall include a  
utility bill from within the last three months, a residential lease, a  
property deed, or military permanent duty station orders indicating  
assignment within this state, or other evidence of residency as  
permitted by the Department of Justice. The firearms dealer shall  
retain a photocopy of the documentation as proof of compliance  
with this requirement.

(D) Commencing January 1, 2003, except as authorized by the  
department, no firearms dealer may deliver a handgun unless the  
recipient performs a safe handling demonstration with that  
handgun. The demonstration shall commence with the handgun  
unloaded and locked with the firearm safety device with which it  
is required to be delivered, if applicable. While maintaining  
muzzle awareness, that is, the firearm is pointed in a safe direction,  
preferably down at the ground, and trigger discipline, that is, the  
trigger finger is outside of the trigger guard and along side of the  
handgun frame, at all times, the handgun recipient shall correctly  
and safely perform the following:

(i) If the handgun is a semiautomatic pistol:

(I) Remove the magazine.

(II) Lock the slide back. If the model of firearm does not allow  
the slide to be locked back, pull the slide back, visually and  
physically check the chamber to ensure that it is clear.

- 1 (III) Visually and physically inspect the chamber, to ensure that
- 2 the handgun is unloaded.
- 3 (IV) Remove the firearm safety device, if applicable. If the
- 4 firearm safety device prevents any of the previous steps, remove
- 5 the firearm safety device during the appropriate step.
- 6 (V) Load one bright orange, red, or other readily identifiable
- 7 dummy round into the magazine. If no readily identifiable dummy
- 8 round is available, an empty cartridge casing with an empty primer
- 9 pocket may be used.
- 10 (VI) Insert the magazine into the magazine well of the firearm.
- 11 (VII) Manipulate the slide release or pull back and release the
- 12 slide.
- 13 (VIII) Remove the magazine.
- 14 (IX) Visually inspect the chamber to reveal that a round can be
- 15 chambered with the magazine removed.
- 16 (X) Lock the slide back to eject the bright orange, red, or other
- 17 readily identifiable dummy round. If the handgun is of a model that
- 18 does not allow the slide to be locked back, pull the slide back and
- 19 physically check the chamber to ensure that the chamber is clear.
- 20 If no readily identifiable dummy round is available, an empty
- 21 cartridge casing with an empty primer pocket may be used.
- 22 (XI) Apply the safety, if applicable.
- 23 (XII) Apply the firearm safety device, if applicable. This
- 24 requirement shall not apply to an Olympic competition pistol if no
- 25 firearms safety device, other than a cable lock that the department
- 26 has determined would damage the barrel of the pistol, has been
- 27 approved for the pistol, and the pistol is either listed in paragraph
- 28 (2) of subdivision (h) of Section 12132 or is subject to paragraph
- 29 (3) of subdivision (h) of Section 12132.
- 30 (ii) If the handgun is a double-action revolver:
- 31 (I) Open the cylinder.
- 32 (II) Visually and physically inspect each chamber, to ensure
- 33 that the revolver is unloaded.
- 34 (III) Remove the firearm safety device. If the firearm safety
- 35 device prevents any of the previous steps, remove the firearm
- 36 safety device during the appropriate step.
- 37 (IV) While maintaining muzzle awareness and trigger
- 38 discipline, load one bright orange, red, or other readily identifiable
- 39 dummy round into a chamber of the cylinder and rotate the
- 40 cylinder so that the round is in the next-to-fire position. If no



1 readily identifiable dummy round is available, an empty cartridge  
2 casing with an empty primer pocket may be used.

3 (V) Close the cylinder.

4 (VI) Open the cylinder and eject the round.

5 (VII) Visually and physically inspect each chamber to ensure  
6 that the revolver is unloaded.

7 (VIII) Apply the firearm safety device, if applicable. This  
8 requirement shall not apply to an Olympic competition pistol if no  
9 firearms safety device, other than a cable lock that the department  
10 has determined would damage the barrel of the pistol, has been  
11 approved for the pistol, and the pistol is either listed in paragraph  
12 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
13 (3) of subdivision (h) of Section 12132.

14 (iii) If the handgun is a single-action revolver:

15 (I) Open the loading gate.

16 (II) Visually and physically inspect each chamber, to ensure  
17 that the revolver is unloaded.

18 (III) Remove the firearm safety device required to be sold with  
19 the handgun. If the firearm safety device prevents any of the  
20 previous steps, remove the firearm safety device during the  
21 appropriate step.

22 (IV) Load one bright orange, red, or other readily identifiable  
23 dummy round into a chamber of the cylinder, close the loading  
24 gate and rotate the cylinder so that the round is in the next-to-fire  
25 position. If no readily identifiable dummy round is available, an  
26 empty cartridge casing with an empty primer pocket may be used.

27 (V) Open the loading gate and unload the revolver.

28 (VI) Visually and physically inspect each chamber to ensure  
29 that the revolver is unloaded.

30 (VII) Apply the firearm safety device, if applicable. This  
31 requirement shall not apply to an Olympic competition pistol if no  
32 firearms safety device, other than a cable lock that the department  
33 has determined would damage the barrel of the pistol, has been  
34 approved for the pistol, and the pistol is either listed in paragraph  
35 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
36 (3) of subdivision (h) of Section 12132.

37 (E) The recipient shall receive instruction regarding how to  
38 render that handgun safe in the event of a jam.

39 (F) The firearms dealer shall sign and date an affidavit stating  
40 that the requirements of subparagraph (D) have been met. The

1 firearms dealer shall additionally obtain the signature of the  
2 handgun purchaser on the same affidavit. The firearms dealer shall  
3 retain the original affidavit as proof of compliance with this  
4 requirement.

5 (G) The recipient shall perform the safe handling  
6 demonstration for a department certified instructor.

7 (H) No demonstration shall be required if the dealer is  
8 returning the handgun to the owner of the handgun.

9 (I) Department certified instructors who may administer the  
10 safe handling demonstration shall meet the requirements set forth  
11 in subdivision (j) of Section 12804.

12 (J) The persons who are exempt from the requirements of  
13 subdivision (b) of Section 12801, pursuant to Section 12807, are  
14 also exempt from performing the safe handling demonstration.

15 (9) Commencing July 1, 1992, the licensee shall offer to  
16 provide the purchaser or transferee of a firearm, or person being  
17 loaned a firearm, with a copy of the pamphlet described in Section  
18 12080 and may add the cost of the pamphlet, if any, to the sales  
19 price of the firearm.

20 (10) The licensee shall not commit an act of collusion as  
21 defined in Section 12072.

22 (11) The licensee shall post conspicuously within the licensed  
23 premises a detailed list of each of the following:

24 (A) All charges required by governmental agencies for  
25 processing firearm transfers required by Sections 12076, 12082,  
26 and 12806.

27 (B) All fees that the licensee charges pursuant to Sections  
28 12082 and 12806.

29 (12) The licensee shall not misstate the amount of fees charged  
30 by a governmental agency pursuant to Sections 12076, 12082, and  
31 12806.

32 (13) The licensee shall report the loss or theft of any firearm  
33 that is merchandise of the licensee, any firearm that the licensee  
34 takes possession of pursuant to Section 12082, or any firearm kept  
35 at the licensee's place of business within 48 hours of discovery to  
36 the appropriate law enforcement agency in the city, county, or city  
37 and county where the licensee's business premises are located.

38 (14) Any time when the licensee is not open for business, the  
39 licensee shall store all firearms kept in his or her licensed place of

1 business using one of the following methods as to each particular  
2 firearm:

3 (A) Store the firearm in a secure facility that is a part of, or that  
4 constitutes, the licensee's business premises.

5 (B) Secure the firearm with a hardened steel rod or cable of at  
6 least one-eighth inch in diameter through the trigger guard of the  
7 firearm. The steel rod or cable shall be secured with a hardened  
8 steel lock that has a shackle. The lock and shackle shall be  
9 protected or shielded from the use of a bolt cutter and the rod or  
10 cable shall be anchored in a manner that prevents the removal of  
11 the firearm from the premises.

12 (C) Store the firearm in a locked fireproof safe or vault in the  
13 licensee's business premises.

14 (15) The licensing authority in an unincorporated area of a  
15 county or within a city may impose security requirements that are  
16 more strict or are at a higher standard than those specified in  
17 paragraph (14).

18 (16) Commencing January 1, 1994, the licensee shall, upon the  
19 issuance or renewal of a license, submit a copy of the same to the  
20 Department of Justice.

21 (17) The licensee shall maintain and make available for  
22 inspection during business hours to any peace officer, authorized  
23 local law enforcement employee, or Department of Justice  
24 employee designated by the Attorney General, upon the  
25 presentation of proper identification, a firearms transaction  
26 record.

27 (18) (A) On the date of receipt, the licensee shall report to the  
28 Department of Justice in a format prescribed by the department the  
29 acquisition by the licensee of the ownership of a ~~pistol, revolver,~~  
30 ~~or other firearm capable of being concealed upon the person~~  
31 *handgun*.

32 (B) The provisions of this paragraph shall not apply to any of  
33 the following transactions:

34 (i) A transaction subject to the provisions of subdivision (n) of  
35 Section 12078.

36 (ii) The dealer acquired the firearm from a wholesaler.

37 (iii) The dealer is also licensed as a secondhand dealer pursuant  
38 to Article 4 (commencing with Section 21625) of Chapter 9 of  
39 Division 8 of the Business and Professions Code.

1 (iv) The dealer acquired the firearm from a person who is  
2 licensed as a manufacturer or importer to engage in those activities  
3 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
4 of the United States Code and any regulations issued pursuant  
5 thereto.

6 (v) The dealer acquired the firearm from a person who resides  
7 outside this state who is licensed pursuant to Chapter 44  
8 (commencing with Section 921) of Title 18 of the United States  
9 Code and any regulations issued pursuant thereto.

10 (19) The licensee shall forward in a format prescribed by the  
11 Department of Justice, information as required by the department  
12 on any firearm that is not delivered within the time period set forth  
13 in Section ~~478.102 (e)~~ 478.102 (c) of Title 27 of the Code of  
14 Federal Regulations.

15 (20) (A) Firearms dealers may require any agent who handles,  
16 sells, or delivers firearms to obtain and provide to the dealer a  
17 certificate of eligibility from the department pursuant to paragraph  
18 (4) of subdivision (a). The agent or employee shall provide on the  
19 application, the name and California firearms dealer number of the  
20 firearms dealer with whom he or she is employed.

21 (B) The department shall notify the firearms dealer in the event  
22 that the agent or employee who has a certificate of eligibility is or  
23 becomes prohibited from possessing firearms.

24 (C) If the local jurisdiction requires a background check of the  
25 agents or employees of the firearms dealer, the agent or employee  
26 shall obtain a certificate of eligibility pursuant to subparagraph  
27 (A).

28 (D) Nothing in this paragraph shall be construed to preclude a  
29 local jurisdiction from conducting an additional background  
30 check pursuant to Section 11105 or prohibiting employment based  
31 on criminal history that does not appear as part of obtaining a  
32 certificate of eligibility, provided however, that the local  
33 jurisdiction may not charge a fee for the additional criminal history  
34 check.

35 (E) The licensee shall prohibit any agent who the licensee  
36 knows or reasonably should know is within a class of persons  
37 prohibited from possessing firearms pursuant to Section 12021 or  
38 12021.1 of this code, or Section 8100 or 8103 of the Welfare and  
39 Institutions Code, from coming into contact with any firearm that  
40 is not secured and from accessing any key, combination, code, or

1 other means to open any of the locking devices described in clause  
2 (ii) of subparagraph (G) of this paragraph.

3 (F) Nothing in this paragraph shall be construed as preventing  
4 a local government from enacting an ordinance imposing  
5 additional conditions on licensees with regard to agents.

6 (G) For purposes of this section, the following definitions shall  
7 apply:

8 (i) An “agent” is an employee of the licensee.

9 (ii) “Secured” means a firearm that is made inoperable in one  
10 or more of the following ways:

11 (I) The firearm is inoperable because it is secured by a firearms  
12 safety device listed on the department’s roster of approved  
13 firearms safety devices pursuant to subdivision (d) of Section  
14 12088 of this chapter.

15 (II) The firearm is stored in a locked gun safe or long-gun safe  
16 which meets the standards for department-approved gun safes set  
17 forth in Section 12088.2.

18 (III) The firearm is stored in a distinct locked room or area in  
19 the building that is used to store firearms that can only be unlocked  
20 by a key, a combination, or similar means.

21 (IV) The firearm is secured with a hardened steel rod or cable  
22 that is at least one-eighth of an inch in diameter through the trigger  
23 guard of the firearm. The steel rod or cable shall be secured with  
24 a hardened steel lock that has a shackle. The lock and shackle shall  
25 be protected or shielded from the use of a bolt cutter and the rod  
26 or cable shall be anchored in a manner that prevents the removal  
27 of the firearm from the premises.

28 (c) (1) As used in this article, “clear evidence of his or her  
29 identity and age” means either of the following:

30 (A) A valid California driver’s license.

31 (B) A valid California identification card issued by the  
32 Department of Motor Vehicles.

33 (2) As used in this section, a “secure facility” means a building  
34 that meets all of the following specifications:

35 (A) All perimeter doorways shall meet one of the following:

36 (i) A windowless steel security door equipped with both a dead  
37 bolt and a doorknob lock.

38 (ii) A windowed metal door that is equipped with both a dead  
39 bolt and a doorknob lock. If the window has an opening of five  
40 inches or more measured in any direction, the window shall be

1 covered with steel bars of at least one-half inch diameter or metal  
2 grating of at least nine gauge affixed to the exterior or interior of  
3 the door.

4 (iii) A metal grate that is padlocked and affixed to the licensee's  
5 premises independent of the door and doorframe.

6 (B) All windows are covered with steel bars.

7 (C) Heating, ventilating, air-conditioning, and service  
8 openings are secured with steel bars, metal grating, or an alarm  
9 system.

10 (D) Any metal grates have spaces no larger than six inches wide  
11 measured in any direction.

12 (E) Any metal screens have spaces no larger than three inches  
13 wide measured in any direction.

14 (F) All steel bars shall be no further than six inches apart.

15 (3) As used in this section, "licensed premises," "licensed  
16 place of business," "licensee's place of business," or "licensee's  
17 business premises" means the building designated in the license.

18 (4) For purposes of paragraph (17) of subdivision (b):

19 (A) A "firearms transaction record" is a record containing the  
20 same information referred to in subdivision (a) of Section  
21 ~~178.124, Section 178.124a~~ 478.124, Section 478.124a, and  
22 subdivision (e) of Section ~~178.125~~ 478.125 of Title 27 of the Code  
23 of Federal Regulations, *or their successors*.

24 (B) A licensee shall be in compliance with the provisions of  
25 paragraph (17) of subdivision (b) if he or she maintains and makes  
26 available for inspection during business hours to any peace officer,  
27 authorized local law enforcement employee, or Department of  
28 Justice employee designated by the Attorney General, upon the  
29 presentation of proper identification, the bound book containing  
30 the same information referred to in Section ~~178.124a~~ 478.124a  
31 and subdivision (e) of Section ~~178.125~~ 478.125 of Title 27 of the  
32 Code of Federal Regulations, *or their successors*, and the records  
33 referred to in subdivision (a) of Section ~~178.124~~ 478.124 of Title  
34 27 of the Code of Federal Regulations, *or its successor*.

35 (d) Upon written request from a licensee, the licensing  
36 authority may grant an exemption from compliance with the  
37 requirements of paragraph (14) of subdivision (b) if the licensee  
38 is unable to comply with those requirements because of local  
39 ordinances, covenants, lease conditions, or similar circumstances  
40 not under the control of the licensee.

(e) (1) Except as otherwise provided in this paragraph, the Department of Justice shall keep a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a), and all persons who have submitted information pursuant to subdivision (a) of Section 12083. The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer's business is located.

(2) The department shall remove from the centralized list any person whose federal firearms license has expired or has been revoked.

(3) Information compiled from the list shall be made available, upon request, for the following purposes only:

(A) For law enforcement purposes.

(B) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(C) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in ~~Section 478.100~~ 478.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of eligibility issued pursuant to Section 12071.1, if that information is requested by the person to determine the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subparagraph (B) of paragraph (1) of subdivision (b).

(4) Information provided pursuant to paragraph (3) shall be limited to information necessary to corroborate an individual's current license status as being one of the following:

(A) A person licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a).

(B) A person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and who is not subject to the requirement that he or she be licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a).

1 (f) The Department of Justice may inspect dealers to ensure  
2 compliance with this article. The department may assess an annual  
3 fee, not to exceed one hundred fifteen dollars (\$115), to cover the  
4 reasonable cost of maintaining the list described in subdivision (e),  
5 including the cost of inspections. Dealers whose place of business  
6 is in a jurisdiction that has adopted an inspection program to ensure  
7 compliance with firearms law shall be exempt from that portion of  
8 the department's fee that relates to the cost of inspections. The  
9 applicant is responsible for providing evidence to the department  
10 that the jurisdiction in which the business is located has the  
11 inspection program.

12 (g) The Department of Justice shall maintain and make  
13 available upon request information concerning the number of  
14 inspections conducted and the amount of fees collected pursuant  
15 to subdivision (f), a listing of exempted jurisdictions, as defined  
16 in subdivision (f), the number of dealers removed from the  
17 centralized list defined in subdivision (e), and the number of  
18 dealers found to have violated this article with knowledge or gross  
19 negligence.

20 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to  
21 a licensee organized as a nonprofit public benefit or mutual benefit  
22 corporation organized pursuant to Part 2 (commencing with  
23 Section 5110) or Part 3 (commencing with Section 7110) of  
24 Division 2 of the Corporations Code, if both of the following  
25 conditions are satisfied:

26 (1) The nonprofit public benefit or mutual benefit corporation  
27 obtained the dealer's license solely and exclusively to assist that  
28 corporation or local chapters of that corporation in conducting  
29 auctions or similar events at which firearms are auctioned off to  
30 fund the activities of that corporation or the local chapters of the  
31 corporation.

32 (2) The firearms are not ~~pistols, revolvers, or other firearms~~  
33 ~~capable of being concealed upon the person~~ *handguns*.

34 (i) (1) For every verification inquiry made pursuant to  
35 paragraph (1) of subdivision (f) of Section 12072, the department  
36 shall determine whether the intended recipient possesses an  
37 appropriate, valid license issued pursuant to Chapter 44  
38 (commencing with Section 921) of Title 18 of the United States  
39 Code and, if applicable, is properly licensed pursuant to this  
40 section.



(2) If the intended recipient possesses an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and if applicable, is properly licensed pursuant to this section, the department shall immediately provide a unique verification number to the inquiring party.

(3) If the intended recipient does not possess an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or if applicable, is not properly licensed pursuant to this section, the department shall do all of the following:

(A) Immediately notify the inquiring party of that fact.

(B) Within 24 hours, notify the chief law enforcement officer of the jurisdiction where the address on the federal firearms license about which the inquiry was made is located, and notify an appropriate employee of the federal Bureau of Alcohol, Tobacco and Firearms of the denied verification.

*SEC. 1.5. Section 12071 of the Penal Code is amended to read:*

12071. (a) (1) As used in this chapter, the term “licensee,” “person licensed pursuant to Section 12071,” or “dealer” means a person who has all of the following:

(A) A valid federal firearms license.

(B) Any regulatory or business license, or licenses, required by local government.

(C) A valid seller’s permit issued by the State Board of Equalization.

(D) A certificate of eligibility issued by the Department of Justice pursuant to paragraph (4).

(E) A license issued in the format prescribed by paragraph (6).

(F) Is among those recorded in the centralized list specified in subdivision (e).

(2) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing.

(3) No license shall be granted to any applicant who fails to provide a copy of his or her valid federal firearms license, valid

1 seller's permit issued by the State Board of Equalization, and the  
2 certificate of eligibility described in paragraph (4).

3 (4) A person may request a certificate of eligibility from the  
4 Department of Justice and the Department of Justice shall issue a  
5 certificate to an applicant if the department's records indicate that  
6 the applicant is not a person who is prohibited from possessing  
7 firearms.

8 (5) The department shall adopt regulations to administer the  
9 certificate of eligibility program and shall recover the full costs of  
10 administering the program by imposing fees assessed to applicants  
11 who apply for those certificates.

12 (6) A license granted by the duly constituted licensing  
13 authority of any city, county, or city and county, shall be valid for  
14 not more than one year from the date of issuance and shall be in  
15 one of the following forms:

16 (A) In the form prescribed by the Attorney General.

17 (B) A regulatory or business license that states on its face  
18 "Valid for Retail Sales of Firearms" and is endorsed by the  
19 signature of the issuing authority.

20 (C) A letter from the duly constituted licensing authority  
21 having primary jurisdiction for the applicant's intended business  
22 location stating that the jurisdiction does not require any form of  
23 regulatory or business license or does not otherwise restrict or  
24 regulate the sale of firearms.

25 (7) Local licensing authorities may assess fees to recover their  
26 full costs of processing applications for licenses.

27 (b) A license is subject to forfeiture for a breach of any of the  
28 following prohibitions and requirements:

29 (1) (A) Except as provided in subparagraphs (B) and (C), the  
30 business shall be conducted only in the buildings designated in the  
31 license.

32 (B) A person licensed pursuant to subdivision (a) may take  
33 possession of firearms and commence preparation of registers for  
34 the sale, delivery, or transfer of firearms at gun shows or events,  
35 as defined in Section ~~478.100~~ 478.100 of Title 27 of the Code of  
36 Federal Regulations, or its successor, if the gun show or event is  
37 not conducted from any motorized or towed vehicle. A person  
38 conducting business pursuant to this subparagraph shall be entitled  
39 to conduct business as authorized herein at any gun show or event  
40 in the state without regard to the jurisdiction within this state that

1 issued the license pursuant to subdivision (a), provided the person  
2 complies with (i) all applicable laws, including, but not limited to,  
3 the waiting period specified in subparagraph (A) of paragraph (3),  
4 and (ii) all applicable local laws, regulations, and fees, if any.

5 A person conducting business pursuant to this subparagraph  
6 shall publicly display his or her license issued pursuant to  
7 subdivision (a), or a facsimile thereof, at any gun show or event,  
8 as specified in this subparagraph.

9 (C) A person licensed pursuant to subdivision (a) may engage  
10 in the sale and transfer of firearms other than ~~pistols, revolvers, or~~  
11 ~~other firearms capable of being concealed upon the person~~  
12 *handguns*, at events specified in subdivision (g) of Section 12078,  
13 subject to the prohibitions and restrictions contained in that  
14 subdivision.

15 A person licensed pursuant to subdivision (a) also may accept  
16 delivery of firearms other than ~~pistols, revolvers, or other firearms~~  
17 ~~capable of being concealed upon the person~~ *handguns*, outside the  
18 building designated in the license, provided the firearm is being  
19 donated for the purpose of sale or transfer at an auction or similar  
20 event specified in subdivision (g) of Section 12078.

21 (D) The firearm may be delivered to the purchaser, transferee,  
22 or person being loaned the firearm at one of the following places:

23 (i) The building designated in the license.

24 (ii) The places specified in subparagraph (B) or (C).

25 (iii) The place of residence of, the fixed place of business of,  
26 or on private property owned or lawfully possessed by, the  
27 purchaser, transferee, or person being loaned the firearm.

28 (2) The license or a copy thereof, certified by the issuing  
29 authority, shall be displayed on the premises where it can easily be  
30 seen.

31 (3) No firearm shall be delivered:

32 (A) Within 10 days of the application to purchase, or, after  
33 notice by the department pursuant to subdivision (d) of Section  
34 12076, within 10 days of the submission to the department of any  
35 correction to the application, or within 10 days of the submission  
36 to the department of any fee required pursuant to subdivision (e)  
37 of Section 12076, whichever is later.

38 (B) Unless unloaded and securely wrapped or unloaded and in  
39 a locked container.

1 (C) Unless the purchaser, transferee, or person being loaned the  
2 firearm presents clear evidence of his or her identity and age to the  
3 dealer.

4 (D) Whenever the dealer is notified by the Department of  
5 Justice that the person is in a prohibited class described in Section  
6 12021 or 12021.1 of this code or Section 8100 or 8103 of the  
7 Welfare and Institutions Code. The dealer shall make available to  
8 the person in the prohibited class a prohibited notice and transfer  
9 form, provided by the department, stating that the person is  
10 prohibited from owning or possessing a firearm, and that the  
11 person may obtain from the department the reason for the  
12 prohibition.

13 (4) No ~~pistol, revolver, or other firearm~~ *handgun* or imitation  
14 ~~thereof capable of being concealed upon the person~~ *handgun*, or  
15 placard advertising the sale or other transfer thereof, shall be  
16 displayed in any part of the premises where it can readily be seen  
17 from the outside.

18 (5) The licensee shall agree to and shall act properly and  
19 promptly in processing firearms transactions pursuant to Section  
20 12082.

21 (6) The licensee shall comply with Sections 12073, 12076, and  
22 12077, subdivisions (a) and (b) and paragraph (1) of subdivision  
23 (f) of Section 12072, ~~and~~ subdivision (a) of Section 12316 *and*  
24 *Section 12326*.

25 (7) The licensee shall post conspicuously within the licensed  
26 premises the following warnings in block letters not less than one  
27 inch in height:

28 (A) “IF YOU KEEP A LOADED FIREARM WITHIN ANY  
29 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
30 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT ~~AND~~  
31 *OR* USES IT, RESULTING IN INJURY OR DEATH, OR  
32 CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY  
33 OF A MISDEMEANOR OR A FELONY UNLESS YOU  
34 STORED THE FIREARM IN A LOCKED CONTAINER,  
35 *STORED THE FIREARM UNLOADED AND NOT IN*  
36 *PROXIMITY TO AMMUNITION FOR THAT FIREARM IN A*  
37 *LOCATION THAT A REASONABLE PERSON WOULD*  
38 *BELIEVE TO BE SECURE*, OR LOCKED THE FIREARM  
39 WITH A LOCKING DEVICE, TO KEEP IT FROM  
40 TEMPORARILY FUNCTIONING.”

1 (B) ~~“IF YOU KEEP A PISTOL, REVOLVER, OR OTHER~~  
2 ~~FIREARM CAPABLE OF BEING CONCEALED UPON THE~~  
3 ~~PERSON HANDGUN~~, WITHIN ANY PREMISES UNDER  
4 YOUR CUSTODY OR CONTROL, AND A PERSON UNDER  
5 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, *OR*  
6 *A PERSON UNDER THE AGE OF 18 YEARS OF AGE GAINS*  
7 *ACCESS TO THE FIREARM* AND CARRIES IT  
8 OFF-PREMISES, YOU MAY BE GUILTY OF A  
9 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN  
10 A LOCKED CONTAINER, OR LOCKED THE FIREARM  
11 WITH A LOCKING DEVICE, TO KEEP IT FROM  
12 TEMPORARILY FUNCTIONING.”

13 (C) “IF YOU KEEP ANY FIREARM WITHIN ANY  
14 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
15 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO  
16 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A  
17 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE  
18 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
19 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU  
20 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
21 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

22 (D) “DISCHARGING FIREARMS IN POORLY  
23 VENTILATED AREAS, CLEANING FIREARMS, OR  
24 HANDLING AMMUNITION MAY RESULT IN EXPOSURE  
25 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH  
26 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS  
27 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT  
28 ALL TIMES. WASH HANDS THOROUGHLY AFTER  
29 EXPOSURE.”

30 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
31 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM  
32 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30  
33 DAYS AFTER YOU COMPLETE THE INITIAL  
34 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
35 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
36 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
37 POSSESSION OF THAT FIREARM.”

38 (F) “NO PERSON SHALL MAKE AN APPLICATION TO  
39 PURCHASE MORE THAN ONE ~~PISTOL, REVOLVER, OR~~  
40 ~~OTHER FIREARM CAPABLE OF BEING CONCEALED~~

1 ~~UPON THE PERSON HANDGUN~~ WITHIN ANY 30-DAY  
2 PERIOD AND NO DELIVERY SHALL BE MADE TO ANY  
3 PERSON WHO HAS MADE AN APPLICATION TO  
4 PURCHASE MORE THAN ONE ~~PISTOL, REVOLVER, OR~~  
5 ~~OTHER FIREARM CAPABLE OF BEING CONCEALED~~  
6 ~~UPON THE PERSON HANDGUN~~ WITHIN ANY 30-DAY  
7 PERIOD.”

8 (8) (A) Commencing April 1, 1994, and until January 1, 2003,  
9 ~~no pistol, revolver, or other firearm capable of being concealed~~  
10 ~~upon the person handgun~~ shall be delivered unless the purchaser,  
11 transferee, or person being loaned the firearm presents to the  
12 dealer a basic firearms safety certificate.

13 (B) Commencing January 1, 2003, no dealer may deliver a  
14 handgun unless the person receiving the handgun presents to the  
15 dealer a valid handgun safety certificate. The firearms dealer shall  
16 retain a photocopy of the handgun safety certificate as proof of  
17 compliance with this requirement.

18 (C) Commencing January 1, 2003, no handgun may be  
19 delivered unless the purchaser, transferee, or person being loaned  
20 the firearm presents documentation indicating that he or she is a  
21 California resident. Satisfactory documentation shall include a  
22 utility bill from within the last three months, a residential lease, a  
23 property deed, or military permanent duty station orders indicating  
24 assignment within this state, or other evidence of residency as  
25 permitted by the Department of Justice. The firearms dealer shall  
26 retain a photocopy of the documentation as proof of compliance  
27 with this requirement.

28 (D) Commencing January 1, 2003, except as authorized by the  
29 department, no firearms dealer may deliver a handgun unless the  
30 recipient performs a safe handling demonstration with that  
31 handgun. The demonstration shall commence with the handgun  
32 unloaded and locked with the firearm safety device with which it  
33 is required to be delivered, if applicable. While maintaining  
34 muzzle awareness, that is, the firearm is pointed in a safe direction,  
35 preferably down at the ground, and trigger discipline, that is, the  
36 trigger finger is outside of the trigger guard and along side of the  
37 handgun frame, at all times, the handgun recipient shall correctly  
38 and safely perform the following:

39 (i) If the handgun is a semiautomatic pistol:

40 (I) Remove the magazine.

1 (II) Lock the slide back. If the model of firearm does not allow  
2 the slide to be locked back, pull the slide back, visually and  
3 physically check the chamber to ensure that it is clear.

4 (III) Visually and physically inspect the chamber, to ensure that  
5 the handgun is unloaded.

6 (IV) Remove the firearm safety device, if applicable. If the  
7 firearm safety device prevents any of the previous steps, remove  
8 the firearm safety device during the appropriate step.

9 (V) Load one bright orange, red, or other readily identifiable  
10 dummy round into the magazine. If no readily identifiable dummy  
11 round is available, an empty cartridge casing with an empty primer  
12 pocket may be used.

13 (VI) Insert the magazine into the magazine well of the firearm.

14 (VII) Manipulate the slide release or pull back and release the  
15 slide.

16 (VIII) Remove the magazine.

17 (IX) Visually inspect the chamber to reveal that a round can be  
18 chambered with the magazine removed.

19 (X) Lock the slide back to eject the bright orange, red, or other  
20 readily identifiable dummy round. If the handgun is of a model that  
21 does not allow the slide to be locked back, pull the slide back and  
22 physically check the chamber to ensure that the chamber is clear.  
23 If no readily identifiable dummy round is available, an empty  
24 cartridge casing with an empty primer pocket may be used.

25 (XI) Apply the safety, if applicable.

26 (XII) Apply the firearm safety device, if applicable. This  
27 requirement shall not apply to an Olympic competition pistol if no  
28 firearms safety device, other than a cable lock that the department  
29 has determined would damage the barrel of the pistol, has been  
30 approved for the pistol, and the pistol is either listed in paragraph  
31 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
32 (3) of subdivision (h) of Section 12132.

33 (ii) If the handgun is a double-action revolver:

34 (I) Open the cylinder.

35 (II) Visually and physically inspect each chamber, to ensure  
36 that the revolver is unloaded.

37 (III) Remove the firearm safety device. If the firearm safety  
38 device prevents any of the previous steps, remove the firearm  
39 safety device during the appropriate step.

1 (IV) While maintaining muzzle awareness and trigger  
2 discipline, load one bright orange, red, or other readily identifiable  
3 dummy round into a chamber of the cylinder and rotate the  
4 cylinder so that the round is in the next-to-fire position. If no  
5 readily identifiable dummy round is available, an empty cartridge  
6 casing with an empty primer pocket may be used.

7 (V) Close the cylinder.

8 (VI) Open the cylinder and eject the round.

9 (VII) Visually and physically inspect each chamber to ensure  
10 that the revolver is unloaded.

11 (VIII) Apply the firearm safety device, if applicable. This  
12 requirement shall not apply to an Olympic competition pistol if no  
13 firearms safety device, other than a cable lock that the department  
14 has determined would damage the barrel of the pistol, has been  
15 approved for the pistol, and the pistol is either listed in paragraph  
16 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
17 (3) of subdivision (h) of Section 12132.

18 (iii) If the handgun is a single-action revolver:

19 (I) Open the loading gate.

20 (II) Visually and physically inspect each chamber, to ensure  
21 that the revolver is unloaded.

22 (III) Remove the firearm safety device required to be sold with  
23 the handgun. If the firearm safety device prevents any of the  
24 previous steps, remove the firearm safety device during the  
25 appropriate step.

26 (IV) Load one bright orange, red, or other readily identifiable  
27 dummy round into a chamber of the cylinder, close the loading  
28 gate and rotate the cylinder so that the round is in the next-to-fire  
29 position. If no readily identifiable dummy round is available, an  
30 empty cartridge casing with an empty primer pocket may be used.

31 (V) Open the loading gate and unload the revolver.

32 (VI) Visually and physically inspect each chamber to ensure  
33 that the revolver is unloaded.

34 (VII) Apply the firearm safety device, if applicable. This  
35 requirement shall not apply to an Olympic competition pistol if no  
36 firearms safety device, other than a cable lock that the department  
37 has determined would damage the barrel of the pistol, has been  
38 approved for the pistol, and the pistol is either listed in paragraph  
39 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
40 (3) of subdivision (h) of Section 12132.

1 (E) The recipient shall receive instruction regarding how to  
2 render that handgun safe in the event of a jam.

3 (F) The firearms dealer shall sign and date an affidavit stating  
4 that the requirements of subparagraph (D) have been met. The  
5 firearms dealer shall additionally obtain the signature of the  
6 handgun purchaser on the same affidavit. The firearms dealer shall  
7 retain the original affidavit as proof of compliance with this  
8 requirement.

9 (G) The recipient shall perform the safe handling  
10 demonstration for a department certified instructor.

11 (H) No demonstration shall be required if the dealer is  
12 returning the handgun to the owner of the handgun.

13 (I) Department certified instructors who may administer the  
14 safe handling demonstration shall meet the requirements set forth  
15 in subdivision (j) of Section 12804.

16 (J) The persons who are exempt from the requirements of  
17 subdivision (b) of Section 12801, pursuant to Section 12807, are  
18 also exempt from performing the safe handling demonstration.

19 (9) Commencing July 1, 1992, the licensee shall offer to  
20 provide the purchaser or transferee of a firearm, or person being  
21 loaned a firearm, with a copy of the pamphlet described in Section  
22 12080 and may add the cost of the pamphlet, if any, to the sales  
23 price of the firearm.

24 (10) The licensee shall not commit an act of collusion as  
25 defined in Section 12072.

26 (11) The licensee shall post conspicuously within the licensed  
27 premises a detailed list of each of the following:

28 (A) All charges required by governmental agencies for  
29 processing firearm transfers required by Sections 12076, 12082,  
30 and 12806.

31 (B) All fees that the licensee charges pursuant to Sections  
32 12082 and 12806.

33 (12) The licensee shall not misstate the amount of fees charged  
34 by a governmental agency pursuant to Sections 12076, 12082, and  
35 12806.

36 (13) The licensee shall report the loss or theft of any firearm  
37 that is merchandise of the licensee, any firearm that the licensee  
38 takes possession of pursuant to Section 12082, or any firearm kept  
39 at the licensee's place of business within 48 hours of discovery to

1 the appropriate law enforcement agency in the city, county, or city  
2 and county where the licensee's business premises are located.

3 (14) Any time when the licensee is not open for business, the  
4 licensee shall store all firearms kept in his or her licensed place of  
5 business using one of the following methods as to each particular  
6 firearm:

7 (A) Store the firearm in a secure facility that is a part of, or that  
8 constitutes, the licensee's business premises.

9 (B) Secure the firearm with a hardened steel rod or cable of at  
10 least one-eighth inch in diameter through the trigger guard of the  
11 firearm. The steel rod or cable shall be secured with a hardened  
12 steel lock that has a shackle. The lock and shackle shall be  
13 protected or shielded from the use of a bolt cutter and the rod or  
14 cable shall be anchored in a manner that prevents the removal of  
15 the firearm from the premises.

16 (C) Store the firearm in a locked fireproof safe or vault in the  
17 licensee's business premises.

18 (15) The licensing authority in an unincorporated area of a  
19 county or within a city may impose security requirements that are  
20 more strict or are at a higher standard than those specified in  
21 paragraph (14).

22 (16) Commencing January 1, 1994, the licensee shall, upon the  
23 issuance or renewal of a license, submit a copy of the same to the  
24 Department of Justice.

25 (17) The licensee shall maintain and make available for  
26 inspection during business hours to any peace officer, authorized  
27 local law enforcement employee, or Department of Justice  
28 employee designated by the Attorney General, upon the  
29 presentation of proper identification, a firearms transaction  
30 record.

31 (18) (A) On the date of receipt, the licensee shall report to the  
32 Department of Justice in a format prescribed by the department the  
33 acquisition by the licensee of the ownership of a ~~pistol, revolver,~~  
34 ~~or other firearm capable of being concealed upon the person~~  
35 *handgun*.

36 (B) The provisions of this paragraph shall not apply to any of  
37 the following transactions:

38 (i) A transaction subject to the provisions of subdivision (n) of  
39 Section 12078.

40 (ii) The dealer acquired the firearm from a wholesaler.

1 (iii) The dealer is also licensed as a secondhand dealer pursuant  
2 to Article 4 (commencing with Section 21625) of Chapter 9 of  
3 Division 8 of the Business and Professions Code.

4 (iv) The dealer acquired the firearm from a person who is  
5 licensed as a manufacturer or importer to engage in those activities  
6 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
7 of the United States Code and any regulations issued pursuant  
8 thereto.

9 (v) The dealer acquired the firearm from a person who resides  
10 outside this state who is licensed pursuant to Chapter 44  
11 (commencing with Section 921) of Title 18 of the United States  
12 Code and any regulations issued pursuant thereto.

13 (19) The licensee shall forward in a format prescribed by the  
14 Department of Justice, information as required by the department  
15 on any firearm that is not delivered within the time period set forth  
16 in ~~Section 478.102 (e)~~ 478.102 (c) of Title 27 of the Code of  
17 Federal Regulations.

18 (20) (A) Firearms dealers may require any agent who handles,  
19 sells, or delivers firearms to obtain and provide to the dealer a  
20 certificate of eligibility from the department pursuant to paragraph  
21 (4) of subdivision (a). The agent or employee shall provide on the  
22 application, the name and California firearms dealer number of the  
23 firearms dealer with whom he or she is employed.

24 (B) The department shall notify the firearms dealer in the event  
25 that the agent or employee who has a certificate of eligibility is or  
26 becomes prohibited from possessing firearms.

27 (C) If the local jurisdiction requires a background check of the  
28 agents or employees of the firearms dealer, the agent or employee  
29 shall obtain a certificate of eligibility pursuant to subparagraph  
30 (A).

31 (D) Nothing in this paragraph shall be construed to preclude a  
32 local jurisdiction from conducting an additional background  
33 check pursuant to Section 11105 or prohibiting employment based  
34 on criminal history that does not appear as part of obtaining a  
35 certificate of eligibility, provided however, that the local  
36 jurisdiction may not charge a fee for the additional criminal history  
37 check.

38 (E) The licensee shall prohibit any agent who the licensee  
39 knows or reasonably should know is within a class of persons  
40 prohibited from possessing firearms pursuant to Section 12021 or

1 12021.1 of this code, or Section 8100 or 8103 of the Welfare and  
2 Institutions Code, from coming into contact with any firearm that  
3 is not secured and from accessing any key, combination, code, or  
4 other means to open any of the locking devices described in clause  
5 (ii) of subparagraph (G) of this paragraph.

6 (F) Nothing in this paragraph shall be construed as preventing  
7 a local government from enacting an ordinance imposing  
8 additional conditions on licensees with regard to agents.

9 (G) For purposes of this section, the following definitions shall  
10 apply:

11 (i) An “agent” is an employee of the licensee.

12 (ii) “Secured” means a firearm that is made inoperable in one  
13 or more of the following ways:

14 (I) The firearm is inoperable because it is secured by a firearms  
15 safety device listed on the department’s roster of approved  
16 firearms safety devices pursuant to subdivision (d) of Section  
17 12088 of this chapter.

18 (II) The firearm is stored in a locked gun safe or long-gun safe  
19 which meets the standards for department-approved gun safes set  
20 forth in Section 12088.2.

21 (III) The firearm is stored in a distinct locked room or area in  
22 the building that is used to store firearms that can only be unlocked  
23 by a key, a combination, or similar means.

24 (IV) The firearm is secured with a hardened steel rod or cable  
25 that is at least one-eighth of an inch in diameter through the trigger  
26 guard of the firearm. The steel rod or cable shall be secured with  
27 a hardened steel lock that has a shackle. The lock and shackle shall  
28 be protected or shielded from the use of a bolt cutter and the rod  
29 or cable shall be anchored in a manner that prevents the removal  
30 of the firearm from the premises.

31 (c) (1) As used in this article, “clear evidence of his or her  
32 identity and age” means either of the following:

33 (A) A valid California driver’s license.

34 (B) A valid California identification card issued by the  
35 Department of Motor Vehicles.

36 (2) As used in this section, a “secure facility” means a building  
37 that meets all of the following specifications:

38 (A) All perimeter doorways shall meet one of the following:

39 (i) A windowless steel security door equipped with both a dead  
40 bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of ~~5~~ *five* inches or more measured in any direction, the window shall be covered with steel bars of at least ~~1/2~~ *one-half* inch diameter or metal grating of at least ~~9~~ *nine* gauge affixed to the exterior or interior of the door.

(iii) A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.

(B) All windows are covered with steel bars.

(C) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.

(D) Any metal grates have spaces no larger than ~~6~~ *six* inches wide measured in any direction.

(E) Any metal screens have spaces no larger than ~~3~~ *three* inches wide measured in any direction.

(F) All steel bars shall be no further than ~~6~~ *six* inches apart.

(3) As used in this section, "licensed premises," "licensed place of business," "licensee's place of business," or "licensee's business premises" means the building designated in the license.

(4) For purposes of paragraph (17) of subdivision (b):

(A) A "firearms transaction record" is a record containing the same information referred to in subdivision (a) of Section ~~478.124~~ *478.124a*, Section ~~478.124a~~ *478.124a*, and subdivision (e) of Section ~~478.125~~ *478.125* of Title 27 of the Code of Federal Regulations, *or their successors*.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section ~~478.124a~~ *478.124a* and subdivision (e) of Section ~~478.125~~ *478.125* of Title 27 of the Code of Federal Regulations, *or their successors*, and the records referred to in subdivision (a) of Section ~~478.124~~ *478.124a* of Title 27 of the Code of Federal Regulations, *or its successor*.

(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee

1 is unable to comply with those requirements because of local  
2 ordinances, covenants, lease conditions, or similar circumstances  
3 not under the control of the licensee.

4 (e) (1) Except as otherwise provided in this paragraph, the  
5 Department of Justice shall keep a centralized list of all persons  
6 licensed pursuant to subparagraphs (A) to (E), inclusive, of  
7 paragraph (1) of subdivision (a), and all persons who have  
8 submitted information pursuant to subdivision (a) of Section  
9 12083. The department may remove from this list any person who  
10 knowingly or with gross negligence violates this article. Upon  
11 removal of a dealer from this list, notification shall be provided to  
12 local law enforcement and licensing authorities in the jurisdiction  
13 where the dealer's business is located.

14 (2) The department shall remove from the centralized list any  
15 person whose federal firearms license has expired or has been  
16 revoked.

17 (3) Information compiled from the list shall be made available,  
18 upon request, for the following purposes only:

19 (A) For law enforcement purposes.

20 (B) When the information is requested by a person licensed  
21 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
22 of the United States Code for determining the validity of the  
23 license for firearm shipments.

24 (C) When information is requested by a person promoting,  
25 sponsoring, operating, or otherwise organizing a show or event as  
26 defined in Section ~~178.100~~ 478.100 of Title 27 of the Code of  
27 Federal Regulations, or its successor, who possesses a valid  
28 certificate of eligibility issued pursuant to Section 12071.1, if that  
29 information is requested by the person to determine the eligibility  
30 of a prospective participant in a gun show or event to conduct  
31 transactions as a firearms dealer pursuant to subparagraph (B) of  
32 paragraph (1) of subdivision (b).

33 (4) Information provided pursuant to paragraph (3) shall be  
34 limited to information necessary to corroborate an individual's  
35 current license status as being one of the following:

36 (A) A person licensed pursuant to subparagraphs (A) to (E),  
37 inclusive, of paragraph (1) of subdivision (a).

38 (B) A person licensed pursuant to Chapter 44 (commencing  
39 with Section 921) of Title 18 of the United States Code and who  
40 is not subject to the requirement that he or she be licensed pursuant

1 to subparagraphs (A) to (E), inclusive, of paragraph (1) of  
2 subdivision (a).

3 (f) The Department of Justice may inspect dealers to ensure  
4 compliance with this article. The department may assess an annual  
5 fee, not to exceed one hundred fifteen dollars (\$115), to cover the  
6 reasonable cost of maintaining the list described in subdivision (e),  
7 including the cost of inspections. Dealers whose place of business  
8 is in a jurisdiction that has adopted an inspection program to ensure  
9 compliance with firearms law shall be exempt from that portion of  
10 the department's fee that relates to the cost of inspections. The  
11 applicant is responsible for providing evidence to the department  
12 that the jurisdiction in which the business is located has the  
13 inspection program.

14 (g) The Department of Justice shall maintain and make  
15 available upon request information concerning the number of  
16 inspections conducted and the amount of fees collected pursuant  
17 to subdivision (f), a listing of exempted jurisdictions, as defined  
18 in subdivision (f), the number of dealers removed from the  
19 centralized list defined in subdivision (e), and the number of  
20 dealers found to have violated this article with knowledge or gross  
21 negligence.

22 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to  
23 a licensee organized as a nonprofit public benefit or mutual benefit  
24 corporation organized pursuant to Part 2 (commencing with  
25 Section 5110) or Part 3 (commencing with Section 7110) of  
26 Division 2 of the Corporations Code, if both of the following  
27 conditions are satisfied:

28 (1) The nonprofit public benefit or mutual benefit corporation  
29 obtained the dealer's license solely and exclusively to assist that  
30 corporation or local chapters of that corporation in conducting  
31 auctions or similar events at which firearms are auctioned off to  
32 fund the activities of that corporation or the local chapters of the  
33 corporation.

34 (2) The firearms are not ~~pistols, revolvers, or other firearms~~  
35 ~~capable of being concealed upon the person~~ *handguns*.

36 (i) (1) For every verification inquiry made pursuant to  
37 paragraph (1) of subdivision (f) of Section 12072, the department  
38 shall determine whether the intended recipient possesses an  
39 appropriate, valid license issued pursuant to Chapter 44  
40 (commencing with Section 921) of Title 18 of the United States



1 Code and, if applicable, is properly licensed pursuant to this  
2 section.

3 (2) If the intended recipient possesses an appropriate, valid  
4 license issued pursuant to Chapter 44 (commencing with Section  
5 921) of Title 18 of the United States Code, and if applicable, is  
6 properly licensed pursuant to this section, the department shall  
7 immediately provide a unique verification number to the inquiring  
8 party.

9 (3) If the intended recipient does not possess an appropriate,  
10 valid license issued pursuant to Chapter 44 (commencing with  
11 Section 921) of Title 18 of the United States Code, or if applicable,  
12 is not properly licensed pursuant to this section, the department  
13 shall do all of the following:

14 (A) Immediately notify the inquiring party of that fact.

15 (B) Within 24 hours, notify the chief law enforcement officer  
16 of the jurisdiction where the address on the federal firearms license  
17 about which the inquiry was made is located, and notify an  
18 appropriate employee of the federal Bureau of Alcohol, Tobacco  
19 and Firearms of the denied verification.

20 SEC. 2. Section 12316 of the Penal Code is amended to read:

21 12316. (a) (1) Any person, corporation, or dealer who does  
22 either of the following shall be punished by imprisonment in a  
23 county jail for a term not to exceed six months, or by a fine not to  
24 exceed one thousand dollars (\$1,000), or by both that  
25 imprisonment and fine:

26 (A) Sells any ammunition or reloaded ammunition to a person  
27 under 18 years of age.

28 (B) Sells any ammunition or reloaded ammunition designed  
29 and intended for use in a ~~pistol, revolver, or other firearm capable~~  
30 ~~of being concealed upon the person~~ *handgun* to a person under 21  
31 years of age. As used in this subparagraph, “ammunition” means  
32 handgun ammunition as defined in subdivision (a) of Section  
33 12323. Where ammunition or reloaded ammunition may be used  
34 in both a rifle and a handgun, federal law shall be considered for  
35 purposes of enforcing this subparagraph.

36 (2) Proof that a person, corporation, or dealer, or his or her  
37 agent or employee, demanded, was shown, and acted in reasonable  
38 reliance upon, bona fide evidence of majority and identity shall be  
39 a defense to any criminal prosecution under this subdivision. As  
40 used in this subdivision, “bona fide evidence of majority and

identity” means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator’s license, California state identification card, a registration certificate issued under the federal Selective Service Act, or an identification card issued to a member of the Armed Forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(b) (1) No person prohibited from owning or possessing a firearm under Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code shall own, possess, or have under his or her custody or control, any ammunition or reloaded ammunition.

(2) For purposes of this subdivision, “ammunition” shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence.

(3) A violation of this subdivision is punishable by imprisonment in a county jail not to exceed one year or in the state prison, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

(c) Unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto school grounds, except sworn law enforcement officers acting within the scope of their duties or persons exempted under subparagraph (A) of paragraph (1) of subdivision (a) of Section 12027. This subdivision shall not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making an arrest or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard, who is engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the

1 Business and Professions Code. A violation of this subdivision is  
2 punishable by imprisonment in a county jail for a term not to  
3 exceed six months, a fine not to exceed one thousand dollars  
4 (\$1,000), or both that imprisonment and fine.

5 (d) (1) A violation of paragraph (1) of subdivision (b) is  
6 justifiable where all of the following conditions are met:

7 (A) The person found the ammunition or reloaded ammunition  
8 or took the ammunition or reloaded ammunition from a person  
9 who was committing a crime against him or her.

10 (B) The person possessed the ammunition or reloaded  
11 ammunition no longer than was necessary to deliver or transport  
12 the ammunition or reloaded ammunition to a law enforcement  
13 agency for that agency's disposition according to law.

14 (C) The person is prohibited from possessing any ammunition  
15 or reloaded ammunition solely because that person is prohibited  
16 from owning or possessing a firearm only by virtue of Section  
17 12021.

18 (2) Upon the trial for violating paragraph (1) of subdivision (b),  
19 the trier of fact shall determine whether the defendant is subject to  
20 the exemption created by this subdivision.

21 (3) The defendant has the burden of proving by a  
22 preponderance of the evidence that he or she is subject to the  
23 exemption provided by this subdivision.

24 SEC. 3. Section 12326 is added to the Penal Code, to read:

25 12326. (a) The term "vendor," as used in this section, means  
26 any person who is engaged, in compliance with local, state, and  
27 federal law, in the retail sale of firearm ammunition, including any  
28 dealer.

29 (b) The term "firearm ammunition" as used in this section,  
30 means assembled live ammunition for use in a firearm, as  
31 "firearm" is defined in subdivision (b) of Section 12001.

32 (c) No vendor shall sell or otherwise transfer ownership of any  
33 ammunition without at the time of purchase recording the  
34 following information on a form to be prescribed by the  
35 Department of Justice:

36 (1) The date of the transaction.

37 (2) The name, address, and date of birth of the transferee.

38 (3) The transferee's driver's license or other identification  
39 number and the state in which it was issued.

40 (4) The brand, type, and amount of ammunition transferred.

1 (5) The transferee's signature.

2 (6) The name of the salesperson who processed the transaction.

3 (d) The vendor shall also at the time of purchase or transfer  
4 obtain the right thumbprint of the purchaser or transferee on the  
5 above form.

6 (e) (1) The records required by this section shall be maintained  
7 on the premises of the vendor for a period of not less than two years  
8 from the date of the recorded transfer.

9 (2) The records shall be subject to inspection at any time during  
10 normal business hours by any peace officer employed by a sheriff  
11 , city police department, or district attorney as provided in  
12 subdivision (a) of Section 830.1, or employed by the Department  
13 of Justice, as provided in subdivision (b) of Section 830.1,  
14 provided the officer is conducting an investigation where access  
15 to those records is or may be relevant to that investigation, is  
16 seeking information about persons prohibited from owning a  
17 firearm or ammunition, or is engaged in ensuring compliance with  
18 the Dangerous Weapons Control Law, Chapter 1 (commencing  
19 with Section 12000) of Title 2 of Part 4, or any other laws  
20 pertaining to firearms. The records shall also be subject to  
21 inspection at any time during normal business hours by any other  
22 employee of the Department of Justice, provided that employee is  
23 conducting an investigation where access to those records is or  
24 may be relevant to that investigation, is seeking information about  
25 persons prohibited from owning a firearm or ammunition, or is  
26 engaged in ensuring compliance with the Dangerous Weapons  
27 Control Law, Chapter 1 (commencing with Section 12000) of Title  
28 2 of Part 4, or any other laws pertaining to firearms.

29 (f) (1) No person shall knowingly make a false entry in, fail to  
30 make a required entry in, or fail to obtain the required thumbprint,  
31 or fail to maintain in the required manner records prepared in  
32 accordance herewith. If the right thumbprint is not available, then  
33 the vendor shall have the purchaser or transferee use his or her left  
34 thumb, or any available finger, and shall so indicate on the form.  
35 If the purchaser or transferee is physically unable to provide a  
36 thumbprint or fingerprint, the vendor shall so indicate on the form.

37 (2) No person shall refuse to permit a person authorized under  
38 paragraph (2) of subdivision (e) to examine any record prepared  
39 in accordance with this section during any inspection conducted

1 pursuant to this section, or refuse to permit the use of any record  
2 or information therefrom by those persons.

3 (g) A violation of this section shall constitute a misdemeanor.

4 (h) This section shall not apply to vendor wholesale sales or  
5 wholesale transfers. This section shall not apply to sales or  
6 transfers to a peace officer as defined in Chapter 4.5 (commencing  
7 with Section 830) of Title 3 of Part 2. This section shall not apply  
8 to sales or transfers to persons licensed to carry a concealed  
9 handgun pursuant to Section 12050.

10 SEC. 4. *Section 1.5 of this bill incorporates amendments to*  
11 *Section 12071 of the Penal Code proposed by both this bill and SB*  
12 *1140. It shall only become operative if (1) both bills are enacted*  
13 *and become effective on or before January 1, 2005, (2) each bill*  
14 *amends Section 12071 of the Penal Code, and (3) this bill is*  
15 *enacted after SB 1140, in which case Section 1 of this bill shall not*  
16 *become operative.*

17 SEC. 5. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.

